

**REMARKS**

The Examiner's Action mailed on November 2, 2004, has been received and its contents carefully considered.

In this Amendment, Applicants have editorially amended the specification, amended claims 1, 2, 5-7, 9, 11, 14, 15 and 17-19, and added claim 20. Further, Figures 11-17 have been added to the application, and corresponding specification changes have been made to discuss these added figures. Claims 1, 9 and 19 are the independent claims, and claims 1-20 are pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner has objected to the drawings for various informalities. In response thereto, and as noted above, revised formal drawings are being submitted concurrently with this Amendment. In these revised formal drawings, figures have been added which illustrate the features recited within various ones of the dependent claims. It is submitted that the drawings comply with all official requirements, and it is requested that these objections be withdrawn.

The Examiner has also objected to the drawings because character number 53 was used to designate both a first circuit and a first line, and character 54 was used to designate both a second circuit as well as a second line. In response, the specification has been editorially amended, to eliminate reference to the first and second lines. It is thus requested that this portion of the objection be withdrawn.

The Examiner has rejected the claims as being indefinite. In response thereto, the claims have been thoroughly amended, to correct the matter specifically raised by the Examiner's Action, and to correct various informalities noted during the review. It is submitted that the claims comply with all official provisions, and it is thus requested that these rejections be withdrawn.

The Examiner has rejected claim 9 as being anticipated by *Neaves* (USP 5,644,114) and has rejected the remaining claims as being obvious over *Neaves* in view of *Rayner* (USP 3,639,705). It is submitted that the claims are all *prima facie* patentably distinguishable over the cited references, either taken alone or in any reasonable combination, for at least the following reasons.

Applicants' independent claim 1 and independent claim 9 each recite a shifting mechanism which includes a guiding means which restricts a free end of an operation bar to move reciprocally in a first moving path and a second moving path, with the first moving path and a second moving path extending in different directions. When the free end of the operation bar is moved in the first moving path, a first switch can be actuated, which first switch selectively effects a forward and reverse rotation. When the free end is moved in the second moving path, a second switch can be actuated, which second switch effects a high and a low rotation speed of the vehicle motor. According to these claims, when the free end of the operation bar is moved from the second moving path to the first moving path, the second switch is automatically and always switched to the low rotation speed position, and since the first moving path and the second moving path

extend in different directions, a user is prevented from accidentally moving the operation bar from the first moving path to the second moving path, and from accidentally moving the operation bar from the second moving path to the first moving path, thereby ensuring the first and second switches are not inadvertently actuated. This claimed configuration thus provides for a shifting mechanism that is much more safe for children to use, since the arrangement will prevent a child from inadvertently switching from a speed position of the shifting mechanism to a rotation position of the shifting mechanism. This claimed configuration is neither disclosed nor suggested by the cited references.

*Neaves* discloses a switch arrangement for a children's ride-on vehicle, in which an actuator 18 is moved in a linear and pivotal direction in order to move into three separate positions A, B and C. These three separate positions are in-line with one another. Thus, using the configuration disclosed by *Neaves*, it would be possible, and even likely, for a child to accidentally switch the actuator directly from position A into position C. Thus, if this were to happen, the vehicle would be moved from a low forward setting into a low reversed setting, causing possible damage to the vehicle and potential injury to the child. In contrast, since Applicants' claimed first and second moving paths extend in different directions, such accident and injury are prevented.

The Examiner's Action also relies on the teachings of *Rayner*, which is directed to a joystick control. However, it is respectfully submitted that there would have been no motivation for one skilled in the art to have modified the

teaching of *Neaves* with the teaching of *Rayner*, except in a hindsight attempt at reconstructing Applicants' claimed invention. That is, there is no suggestion from either of the references for modifying a shifting mechanism, such as disclosed by *Neaves*, with the joystick of *Rayner*. It is noted that the configurations and operations of a joystick are substantially different than those provided by a shifting mechanism utilized with a ride-on vehicle. Moreover, *Rayner* does not overcome the deficiencies of *Neaves* in that this reference likewise does not disclose or suggest first and second moving paths which extend in different directions, with the first moving path allowing the actuation of a first switch which effects forward and reverse rotations, and with a second moving path allowing the actuation of a second switch which effects a high and low speed rotation of a vehicle motor, as recited by Applicants' independent claims 1 and 9. It is thus requested that these claims be allowed.

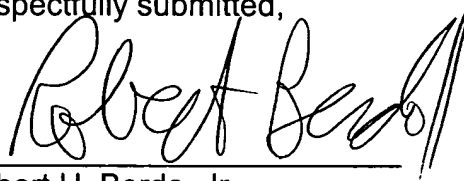
Further, Applicants' independent claim 19 is submitted to be *prima facie* patentably distinguishable over the cited references for reasons similar to those given above with respect to independent claims 1 and 9. That is, neither of the cited references disclose or suggest first and second moving paths which extend in different directions, with the first moving path allowing for the actuation of a first switch which selectively turns on or off a power supply transmission to a vehicle motor, and with the second moving path allowing actuation of a second switch which allows the switching between a forward rotation position and a reverse rotation position. It is thus requested that this claim be allowed. Moreover, the

claims dependent from these independent claims are submitted to be *prima facie* patentably distinguishable over the cited references for at least the same reasons as the independent claims from which they depend. It is thus requested that these claims all be allowed and it is further requested that these rejections be withdrawn.

It is submitted that this application is in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of the application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Respectfully submitted,



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Date

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